

U.S. Serial No. 09/778,973

**Remarks**

Applicant has amended claims 26-29 and added new claims 30-31. Claims 26-31 are pending. Reconsideration of the claims is requested.

The final Office Action mailed May 20, 2002 has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested.

**Entry of Amendment**

Claims 26-29 have been rewritten to address the Examiners concerns, further addressed below. New claims 30-31 are dependent claims. Applicants contend that this amendment should be entered because the amendment will place the application in condition for allowance or place the application in a better form for appeal.

**Rejection Under 35 U.S.C. §112, (second paragraph)**

Claims 26-29 were rejected under 35 U.S.C. §112, second paragraph. Applicant has amended claims 26-29, specifically, claims 26 and 28, to remove the reference to elements that are not mountable onto buoys. Applicant reserves the right to pursue the elements canceled from the claims in continuation applications.

Applicant contends that amended claims 26-29 recite elements sharing a common utility and structural features directed toward that utility, and withdrawal of this rejection is requested.

**Rejections Under 35 U.S.C. §103**

Claims 26-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,856,219 (Severence et al.), in view of U.S. Patent No. 5,424,006 (Murayama et al.). Applicant respectfully disagrees.

Severence et al. teaches a fishing float that has two buoyant members 14, 16; members 14, 16 include bulbs 22 that can be coated with a luminescent material. The structure of bulbs 22, particularly cavity 24, is the feature of buoyant members 14, 16 that allow the buoyant members 14, 16, and thus float 10, to float or remain sufficiently buoyant. Bulbs 22 can be removed from float 10, but without bulbs 22, float 10 will not float.

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Murayama et al. teaches a phosphorescent phosphor compound that can be an indicator for a fishing buoy.

Neither Severence et al., Murayama et al., nor their combination, teaches or suggests, a device that can be mounted on a buoy, a device such as a cap or a wrap. Severence et al. and Murayama et al. disclose fishing buoys and fishing floats and other items, but no suggestion is made that would lead one to a wrap or cap that is mountable onto a buoy. Neither reference, nor their combination, teaches or suggests all of the elements of the pending claims.

Withdrawal of this rejection is requested.

#### SUMMARY

Applicants submit that the claims are in proper form for allowance and respectfully request reconsideration and allowance thereof. A Notice of Allowance is requested.

Attached is a marked-up version of the amendments made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

The Examiner is invited to contact the undersigned representative if it will facilitate prosecution of this application.

Respectfully Submitted,

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26 July 2002

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 26-29 were amended as follows:

26. (Amended) A phosphorescent marine [flotation] device for mounting on a buoy:
- the [flotation] device selected from the group consisting of a buoy cap and a buoy wrap; [buoy, buoy cap, life jacket, ring buoy, buoy wrap, and floating cushion; and]
  - the [flotation] device including a phosphorescent phosphor such that substantially the entire [flotation] surface of the device is phosphorescent;
- wherein, the phosphorescent phosphor comprises  $MA_2O_4$  wherein M is at least one cation selected from a group consisting of calcium, strontium, and barium, wherein the phosphor comprises 0.001% to 10% of a europium activator, and wherein the phosphor comprises 0.001% to 10% of at least one dopant selected from the group consisting of lanthanum, cerium, praseodymium, neodymium, samarium, gadolinium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, tin and bismuth as a co-activator, in terms of mol % relative to by M.
27. (Amended) The phosphorescent marine [flotation] device according to claim 26, wherein the [flotation] device is a buoy cap.
28. (Amended) A phosphorescent [flotation] device for mounting on a buoy [comprising]:
- the device [a boat accessory] selected from the group consisting of a buoy cap and a buoy wrap; [buoy, buoy cap, life jacket, ring buoy, buoy wrap, and floating cushion; and]
  - the [boat accessory] device including a phosphorescent phosphor such that substantially the entire [flotation] device is phosphorescent;
- wherein, the phosphorescent phosphor has an afterglow corresponding to a luminance of at least  $0.3 \text{ mCd/m}^2$  for at least about 420 minutes.

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29. (Amended) The phosphorescent [flotation] device according to claim 28, wherein the [flotation] device is a buoy cap.